

EVERETT City Council Agenda Item Cover Sheet

Project Title: An Ordinance Removing “Supportive Housing” as a Permitted Use in Single-Family Zones, Amending Ordinance No. 1671-89, as amended, and Amending Other Regulations Related to Supportive Housing in Other Zones

Council Bill #

CB 1911-54

Agenda dates requested:

11/13/19, 11/20/19,
11/27/19, 12/4/19

Briefing 11/13/2019

Proposed action

11/20/19, 11/27/19

Consent

Action 12/4/19

Ordinance

Public hearing 12/4/19

X Yes No

Budget amendment:

Yes X No

PowerPoint presentation:

Yes X No

Attachments:

Ordinance

Department(s) involved:

Community Planning and
Economic Development

Contact person:

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Director

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Initialed by:

Department head

Administration

Council President

Consideration: Ordinance No. 3686-19, adopted June 12, 2019, established a six-month moratorium on “supportive housing” in single family residential zones

Proposal: The proposed ordinance would amend zoning regulations and no longer allow supportive housing in single family zones on publicly owned land. It also amends regulations for supportive housing in other zones.

Partner/Supplier: N/A

Location: City-wide

Preceding action: Moratorium Ordinance No. 3686-19 June 12, 2019

Fund: N/A

Fiscal summary statement: N/A

Project summary statement: On June 12, 2019, the City Council adopted Ordinance No. 3686-19, establishing a moratorium on “supportive housing” in single family residential zones (RS, R-1, R-2, R-1A, and R-2A). The moratorium is effective for six months for the City to determine if it should amend zoning regulations concerning supportive housing in single-family zones.

At its July 10, 2019 public hearing on the moratorium, the City Council identified a list of issues it wanted the Planning Commission to consider in its review of the current regulations. Included among the items for review requested by the City Council were:

- Public notice earlier in the process
- Off-street parking standards
- Need for sidewalks for pedestrian safety
- Access / proximity to transit, and frequency of transit service
- Building height and density
- Proximity to social services
- Project review process – hearing examiner or city council
- Definition of supportive housing
- Open space / green space
- Enforcement of conditions

The Planning Commission held two public workshops and a public hearing, and has recommended removing supportive housing as a permitted use for single family zones, amending the definition of supportive housing, amending the off-street parking standards, and amending rules for supportive housing in multiple-family and commercial zones. The attached ordinance differs from the Planning Commission recommendation based on the need to be compliant with the Fair Housing Act and Americans with Disabilities Act. The revised recommendation will treat supportive housing the same as multiple family housing in zones that allow multiple family housing. No public notice is required unless the project is large enough to trigger SEPA environmental review.

Recommendation (exact action requested of Council): Adopt Ordinance Removing “Supportive Housing” as a Permitted Use in Single-Family Zones, Amending Ordinance No. 1671-89, as amended, and Amending Other Regulations Related to Supportive Housing in Other Zones

CITY OF EVERETT

ORDINANCE NO. _____

An Ordinance Removing “Supportive Housing” as a Permitted Use in Single-Family Zones, Amending Ordinance No. 1671-89, as amended, and Amending Other Regulations Related to Supportive Housing in Other Zones

WHEREAS, the City Council finds the following:

1. On June 12, 2019, the Everett City Council enacted a moratorium on supportive housing development in single family zones.
2. On July 10, 2019, the City Council conducted a public hearing and identified a list of issues for the Planning Commission to address relative to supportive housing in single family zones.
3. On August 20, 2019, the Planning Commission held a public workshop to review the list of issues referred by the City Council, take public comments, and provide City staff direction for additional information needed to address the list of issues.
4. On September 17, 2019, the Planning Commission held another public workshop to discuss options for responding to the specific issues referred by the City Council.
5. On October 15, 2019, the Planning Commission held a public hearing to take public testimony and discuss potential changes to the zoning code regulations pertaining to “supportive housing.”
6. The Planning Commission has recommended eliminating “supportive housing” as a permitted use in single-family residential zones and amending the regulations for supportive housing in other zones.
7. The City Council held a public hearing on November 20, 2019, to consider the Planning Commission recommendation and take public testimony.
8. The current regulations will allow up to four publicly owned sites as potential locations for supportive housing in single-family residential zones.
9. The definition of “supportive housing” should be amended to be consistent with the definition of “permanent supportive housing” in State law established by ESHB 1923.
10. It is necessary to amend some of the existing zoning standards for “permanent supportive housing” in other zones where it is permitted.

WHEREAS, the Planning Commission concludes the following:

1. The City has followed the procedural requirements for considering amendments to the regulations of the zoning code.
2. Removing “supportive housing” as a permitted use on publicly owned land in single family zones will reduce the potential for supportive housing in Everett by up to four sites. Given the amount of land zoned for multiple family housing in multi-family and

commercial / mixed use zones elsewhere in the city, this reduction will not result in a lack of opportunities to establish supportive housing in Everett.

3. Amending the zoning code regulations to remove “supportive housing,” which is normally established in a structure or structures similar in character to multiple-family housing, as a permitted use in single-family zones is consistent with comprehensive plan policies regarding the protection of single-family neighborhoods, and land use policies calling for the preservation of single-family zoned neighborhoods for compatible residential use.
4. Allowing supportive housing as a permitted use in zones that allow multiple family housing with the same review process and development standards as multiple family housing is consistent with the Fair Housing Act and Americans with Disabilities Act.
5. The recommended action provides for the public health, safety and welfare.
6. The recommended action promotes the best long-term interests of the Everett community.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. Section 4 of Ordinance No. 1671-89, as amended by Section 1 of Ordinance No. 3500-16, (EMC 19.04.020, Definitions) Definition of “supportive housing”, which reads as follows:

“Supportive housing” means a combination of housing, including low barrier housing, and services intended as a cost-effective way to help people live more stable and productive lives. The housing type is a multiple-family dwelling owned or sponsored by a qualified nonprofit provider or government entity, designed for occupancy by persons that are either (1) experiencing or at risk of experiencing homelessness; (2) are experiencing a disability that presents barriers to employment and housing stability; or (3) generally require structured supportive services such as case management and twenty-four-hour on-site facility management to be successful living in the community and is intended to provide long-term, rather than transitional, housing.

Is hereby amended to read as follows:

"Permanent supportive housing" is subsidized, leased housing with no limit on length of stay, paired with on-site or off-site voluntary services designed to support a person living with a disability to be a successful tenant in a housing arrangement, improve the resident's health status, and connect residents of the housing with community-based health care, treatment, and employment services.

Section 2. Section 36 of Ordinance No. 2397-99, as amended by Section 2 of Ordinance No. 3500-16, Table No. 5.1 (EMC 19.05, Table No. 5.1), which reads as follows:

ZONE USE	A-1	R-S	R-1	R-2	R-1(A) R-2(A)	R-3(L)	R-3	R-4	R-5	B-1	B-2 B-2(B)	BMU	E-1	MUO	C-1 C-1R	C-2	W-C	M-S	M-M	M-1	M-2
<u>Supportive housing</u>		III(18) (27)	III(18) (27)	III(18) (27)	III(18) (27)	II(7) (27)	II(7) (27)	II(7) (20)	II(7) (20)	II(10) (27)	II(7) (27)	II(7) (27)	II(7) (27)	II(7) (27)	II(7) (27)	II(7) (24)	II(7) (24)				

Is hereby amended to read as follows:

ZONE USE	A-1	R-S	R-1	R-2	R-1(A) R-2(A)	R-3(L)	R-3	R-4	R-5	B-1	B-2 B-2(B)	BMU	E-1	MUO	C-1 C-1R	C-2	W-C	M-S	M-M	M-1	M-2
Permanent Supportive supportive housing		III(18) (27)	III(18) (27)	III(18) (27)	III(18) (27)	II(7) (27)	II(7) (27)	II(7) (20)	II(7) (20)	II(10) (27)	II(7) (27)	II(7) (27)	II(7) (27)	II(7) (27)	II(7) (27)	II(7) (24)	II(7) (24)				

Section 3. Section 4 of Ordinance No. 3500-16, Special Regulation No. 27 (EMC Chapter 19.05, Table No. 5.1), which reads as follows:

(27) Permitted only on land owned by a public agency or that the public agency has transferred to another entity for the purpose of developing supportive housing.

Is hereby amended to read as follows:

(27) Permanent supportive housing shall be regulated as multiple family housing in this zone. Off-street parking shall be in accordance with EMC Chapter 19.34.

Section 4. Section 2 (Exhibit 1) of Ordinance No. 3616-18 (EMC 19.34.020, Table No. 34-1), which reads as follows:

**Table 34-1: Off-Street Parking
Spaces Required**

Land Use	Minimum Parking Spaces Required*
RESIDENTIAL	<i>Spaces per <u>dwelling</u> unit unless otherwise indicated</i>
Group housing, including group homes, supportive housing, temporary housing (temporary shelter home)	<i>1 per 4 bedrooms, plus 1 per every 2 employees on shift (2 spaces minimum)</i>

Is hereby amended to read as follows:

**Table 34-1: Off-Street Parking
Spaces Required**

Land Use	Minimum <u>Parking Spaces</u> Required*
RESIDENTIAL	<i>Spaces per <u>dwelling</u> unit unless otherwise indicated</i>
Group housing, including group homes, <u>supportive housing,</u> temporary housing (temporary shelter home)	<i>1 per 4 bedrooms, plus 1 per every 2 employees on shift (2 spaces minimum)</i>
<u>Permanent supportive housing</u>	<i><u>As determined by planning director and city engineer, with no less than a minimum of 1 per 4 bedrooms, plus 1 per every 2 employees on shift (2 spaces minimum). When allowed to be less than required for multiple family housing, must be located within 1,320 feet walking distance of public transit stop, with pedestrian access on sidewalk or safe walking path.</u></i>

Section 5. Section 8 of Ordinance No. 3500-16 (EMC 19.39.155), which reads as follows:

Supportive housing.

A. Permanent supportive housing shall comply with the development standards and design guidelines for multiple-family development for the zone in which such housing is located except as specified herein.

1. The allowed density shall be the number of units that can be placed on the site while meeting the dimensional standards and all other required standards of the zone in which the project is located except that in single-family zones, building height shall be determined during the review process based upon compatibility with surrounding uses.
2. Access to transit must be available within five hundred feet of the development.
3. A written management plan shall be provided for the review and approval of the planning director. At a minimum, a management plan shall address the following components:
 - a. Specify the nature of the supportive housing project and its intended occupants;
 - b. Identify potential impact(s) on nearby residential uses and proposed methods to mitigate those impacts;
 - c. Include a neighborhood outreach plan that addresses how the applicant will communicate with and inform the neighborhood before and after project approval;
 - d. Identify the project management or agency to whom support staff are responsible and who will be available to resolve concerns pertaining to the facility. The plan shall specify procedures for updating any changes in contact information;
 - e. Identify staffing, supervision and security arrangements appropriate to the facility. A twenty-four-hour on-site manager is required;
 - f. On-site services shall be for residents of the facility only;
 - g. The management plan will contain requirements for updating all contact information to the city when changes occur;
 - h. If the planning director determines at any time there is evidence of fraud in obtaining the permit; concealment or misrepresentation of any material fact on the application or on any subsequent applications or reports; or that the supportive housing project is found to be in violation of the approved plans, conditions of approval, or the terms of the permit or management plan, and the owner has failed to correct the violation after proper notice thereof; then the city may initiate compliance proceedings as provided by Chapter 1.20.

4. A use compliance inspection or report may be required periodically by the city as determined by the planning director. If a permanent supportive housing project is discontinued or abandoned, future use of the property shall be in conformance with the use and development standards of the underlying zone or overlay zone.

Is hereby repealed.

Section 6. Ordinance No. 3686-19 shall be extended for 30 days from its six-month expiration date of December 12, 2019, provided however, that it shall become void upon the effective date of this ordinance.

Section 7. Conflict. In the event there is a conflict between the provisions of this Ordinance and any other City ordinance, the provisions of this Ordinance shall control.

Section 8. Severability. Should any section, subsection, paragraph, sentence, clause, phrase, or portion of this Ordinance or its application to any person or situation, be declared unconstitutional, invalid for any reason, or preempted by state or federal law or regulations, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any other persons or situations. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, paragraph, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, phrases, or portions be declared unconstitutional, invalid, or preempted.

Section 9. General Duty. It is expressly the purpose of this Ordinance to provide for and promote the health, safety, and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees, or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees, or agents.

Section 10. Savings. The enactment of this Ordinance shall not affect any case, proceeding, appeal, or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

Section 11. Corrections. The City Clerk is authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, Ordinance numbering, section/subsection numbers, and any references thereto.

Cassie Franklin, Mayor

ATTEST:

Sharon Fuller, City Clerk

PASSED: _____

VALID: _____

PUBLISHED: _____

EFFECTIVE DATE: _____

